

SEWER COMMISSION MINUTES

February 17, 2010 Regular Meeting 7:00 PM

Mr. Kane – Explained that the public comment portion of the beginning of the regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday, February 17, 2010 at 7:08 P.M at Kendall Dean at 83 Greene Street for public comment. Mr. Kane is allowing five minutes for public comment before the start of each meeting.

Mr. Thurber feels that this is a good idea to add to the sewer commission meeting.

Mr. Marc Baillargeon from 32 Pacheco Drive. He is requesting a hearing regarding his assessment of \$18,292.47. He is disputing the cost of the grinder pump and the road construction and paving in his assessments and feels that it is in violation of the sewer ordinance.

Mr. Kane replied that this was changed by the town council. He stated that under old business there will be a clarification on the grinder pump issue and in the ordinance that it states that part of the project costs a grinder pump will be provided by the town at no cost to the homeowner. He stated that in the project costs includes construction, design, engineering, traffic control and finance interests. He explained that the ordinance that was passed by the

town council in October and is town council law. He explained that the reason why the grinder pumps are separated is because the bond agency who issued the \$4.7m bond would not pay for grinder pump purchase, so they had to get a separate bond in that amount to cover the grinder pumps. It is still part of the construction and the contractors are still getting paid by that bond as part of the overall project costs.

Mr. Baillargeon asked if there was going to be a word call for an additional costs.

Mr. Kane replied that he feels that the ordinance that was passed by the town council is not clear enough but to them and to the solicitor it was clear enough as part of the project cost. He feels that it should read that part of the overall costs, the town will provide a grinder pump at no additional cost to the dwelling owner and that is how he believes it should read. He reiterated to Mr. Baillargeon that it is the sewer commission's ordinance but it isn't passed by them. It is passed by the town council it and the town council is held by then as the final authority. The town council passed an ordinance that the sewer commission did not recommend.

Mr. Baillargeon's reply was that he is asking for a hearing and have his assessment changed to reflect the wording on the ordinance. He feels that is says that he is not suppose to pay for a grinder pump and it is telling him that he is suppose to and feels that the wording is

very clear at no costs.

Mr. Kane repeated and explained that it is part of the project costs and the grinder pumps are included in the construction costs issued by the contractor and paid by the town and paid by the assessment of the users of the system and that is how it is done. He stated he will schedule a public hearing and he will be notified.

Mrs. Nasuti from 5 Lincoln Drive asked where she could get a published copy of the ordinance that was passed in October.

Mr. Kane's stated at the town clerk's office or he could provide her with a copy.

Mr. Thurber asked if there were any gravity fed residents on projects 1A or 1B?

Mr. Kane's reply was the he wasn't sure.

Mr. Thurber asked that since they are gravity fed and they don't have a grinder pump is their assessment the same as well and as part of the project costs?

Mr. Kane's replied yes.

Mr. McGee stated that they all have grinder pumps. There is no

gravity fed systems in this project, if there was there would be a pump station and there is no pumping station.

Mr. Nordstrom stated that it is all part of the project costs.

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The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday, February 17, 2010 at 7:29 P.M at Kendall Dean at 83 Greene Street.

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Roll Call - Mrs. Paul - In attendance was: Mr. Nordstrom, Mr. Kane, Mr. McGee, and Mr. Connolly. Mr. Alvarez, Superintendent and Mr. DeCelles were not in attendance. Also in attendance was Mr. Wilcox the Sewer Administrator. Mr. Pendergast and or Mr. Erickson are not present.

Mr. Kane stated that Mr. James Geremia from Geremia and Associates has been excused and will not be attending this evenings meeting.

APPROVAL OF MINUTES

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on an aye vote 4-0 to approve the January 20, 2010

minutes.

In the January 20 minutes Mr. Nordstrom referred to page 4 of the January minutes requested that it should have read the Cleanwater Grant program and not the interceptor bond fund.

The motion was amended by Mr. Nordstrom and the second amended and it was voted unanimously on an 4-0 aye vote to approve the minutes of January 20 as amended.

REPORT FROM SUPERINTENDANT-Mr. Alvarez

Mr. Kane stated that Mr. Alvarez isn't present so there is not a monthly report.

SCADA PROJECT

Mr. Kane provided an update that Mr. Alvarez is clearing up the contract. They had to purchase a patch for the two computers that runs the SCADA project. There are no physical components that have any issues at this time. He indicated that the alarm at Silver Pines keeps going off due to the float problem. The Silver Pines Corporation Development is replacing the float.

GEREMIA & ASSOCIATES-PAYMENT REQUESTS

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on a 4-0 aye vote to recommend payment to the town council for Inv. #17 to James J. Geremia & Associates, Inc. for design

services relating to the comprehensive wastewater management facilities plan for \$1,723.09.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to recommend payment to the town council for Inv. #17 to James J. Geremia & Associates, Inc. for construction administration & resident inspection services for Phase 1B for \$1,781.21.

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on a 4-0 aye vote to recommend payment to the town council for payment request #14 to Boyle and Fogarty for Phase 1B for \$2,620.80 for grinder pump model #1H091.

PROJECT STATUS REPORT UPDATE

Mr. Geremia wasn't present so there was not a report provided.

MARSHFIELD COMMONS/DEVELOPMENT

Mr. Kane explained that a development company called Neighbor Works Blackstone Valley's would like to construct a low income housing development located on Mechanic Street called Marshfield Commons. He had the opportunity to review the plans in the town's Planning department. The basics are as follows: The plan has been filed under the comprehensive planning process; the issue will not come before the sewer commission for directive view but will provide reference and advice to the Planning Board on the matter. The plan

consist of a development of 18 townhouse buildings, with a request of density of 95 bedrooms. The development lies in the Ironstone sewer district and there are two main line connections to the Mechanic Street sewer line. The first is located at Fillion Drive and runs the majority of the length of the development and in the opposite direction and serves to connections to 11 of the 18 buildings, and the second is located several hundred feet north of Mechanic Street and only runs a portion of the development and serves 5 of the 18 connections and there are 2 buildings that directly abutt to Mechanic Street and tied directly into the Mechanic Street line. He has provided a draft letter of communication to the Planning Board in respect to the matter and requests from the commission any changes to be provided to Mr. Scott Gibbs.

A letter was drafted and addressed to “Mr. Gibbs from the sewer commission: And references Neighbor Works Blackstone Valley’s “Marshfield Commons”. Members of the Planning Board, This letter reference the proposed “Marshfield Commons” development, located at 83 Mechanic Street, including Assessor’s Plan 1, Lots 69 & 423. Under the procedure of a Comprehensive Plan, we fully realize that this item will not come before the Sewer Commission for official review. However, due to past overlooking of the Sewer Use Ordinance in other developments in the Town, the Sewer Commission would like to encourage the Planning Board to adhere to the Ordinance to determine the appropriate

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assessment for the units within the Marshfield Commons development. The location of the development determines that it falls within the jurisdiction and assessment of the Ironstone Sewer District. The following is cited from the Sewer Use Ordinance, as adopted January 5th, 2009:

**“Sec. 8-35.4. (b) Ironstone Sewer District Assessment;
Determination of Assessment**

(4) The flat fee for improved property, two thousand five hundred dollars (\$2,500.00)

single unit and seven hundred fifty dollars (\$750.00) per additional residential

unit. For those structures known as townhouses or condominiums, the assessment

for each additional unit shall be paid by the owner of record of individual residential

or commercial units. Additionally for those structures known as townhouses or

condominiums, each building structure is to be assessed the first two thousand

five hundred dollars (\$2,500.00) with subsequent included units within the same

building assessed at the seven hundred fifty dollar (\$750.00) fee per each additional

unit within the same building.”

After review of the plans at the Planning Department, and noted a plan consisting of eighteen (18) townhouse buildings, the opinion of the Sewer Commission, per the Sewer Use Ordinance, is a determination of assessment of two thousand five hundred dollars (\$2,500.00) per first unit of each of the eighteen (18) buildings, and seven hundred fifty dollars (\$750.00) per second unit of each of the (18) buildings.

Mathematically speaking: \$2,500.00 per 1st unit fee

x 18 number of buildings

\$45,000.00 for eighteen “first” units

\$ 750.00 per 2nd unit fee

x 18 number of buildings

\$13,500.00 for eighteen “second” units

Per the Sewer Use Ordinance, a final determination of assessment for eighteen townhouse (2-unit) buildings, located within the Ironstone Sewer District results in a total cost to the developer, Neighbor Works Blackstone Valley, of fifty eight thousand five hundred dollars (\$58,500.00). We hope that this information has delivered a clear and concise assessment for this new proposed development. Please do not hesitate to contact us for any further information you may need, or to clarify the information contained in this letter. Thank you for your time and attention to this matter.”

Mr. Nordstrom stated that this is only one part of the assessment and that there is a four-part formula.

Mr. Kane stated that it is currently an undeveloped land and Mr. Ericson explained it to him that the only way would be able to assess a four-part formula is to assess the land now and charge them that and when they build it they would have this assessment on top of that or in place of. That was his interpretation.

Mr. Nordstrom stated that the land is currently owned on the tax role as unapproved and the principal amount paid will be applied to the new assessment prior to the additions of a corrected assessment so they still have to pay \$115.00 per thousand assessed but it is still unapproved and its value is less. And they have to pay \$5,250.00 in assessed value for the structure and they have to pay \$3.00 per linear foot for frontage and then the other part is applied. And all these other parts apply. And that puts this development because it is within an existing sewer district at the same assessment as what the other people had.

Mr. Kane stated that he can add that section of the ordinance into the letter.

Mr. Nordstrom explained that because it is presumably an undeveloped land, the assessed value is lower. In essence they

receive a discount on that part because it is an undeveloped lot. But they still have to pay an assessment. He referred to page 8-22 of section 8-3-5.4 of the Ironstone Sewer District Part b of the ordinance.

Mr. Kane will make the appropriate revisions to the letter.

Mr. Nordstrom suggested that Mr. Kane sign the letter on behalf of the commission since he has to get it out by the end of the month.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on an 4-0 aye vote allowing Mr. Kane to sign the letter to include the changes mentioned and addressed to Mr. Scott Gibbs on behalf of the sewer commission.

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DRAFTING DOCUMENT(s) OF RESOLUTION and CLARITY-Mr. Kane
Mr. Kane is recommending that this item be tabled until further notice.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and Mr. Connolly and voted unanimously on an 4-0 aye vote to table until further notice.

PROPOSED DOCUMENT(s) FOR WEBSITE POSTING-Mr. Kane
Mr. Kane is requesting that this contact information of the sewer

commission document be revised and updated on the town's website to reflect this contact information. Currently the website lists the five (5) members, their names currently on the sewer commission, listing their addresses, phone numbers and e-mail addresses.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and Mr. Connolly and voted unanimously on an 4-0 aye vote to request that this contact information be added to the town's webpage.

FISCAL YEAR 2010-2011 BUDGET REVIEW-Mr. Kane

Mr. Kane received a copy of Mr. Alvarez's budget and met with Mr. Alvarez and they have plugged in some numbers so the finance department has something to work with. He supplied a copy of the existing budget 2009/2010 to the commission for review along with the budget that Mr. Alvarez provided with three and a half pages and the last page of Mr. Alvarez's is the water and sewer debt service from last year and the proposed figures for this year and the final two pages are pages that he has prepared. He explained that salaries will most likely go up by the 3 ½% increase. He reviewed the budget with commission members. An increase in the health insurance this year was due to the addition of the new sewer administrator. Also, under legal and engineering fees, last year it was budgeted around \$2,500 at the request of Mr. Geremia, the town sends the developer the plans, regarding Silver Pines and Marshfield Commons to Mr. Geremia for review and yet he has no way of getting paid. The town for years has told him that the developer would pay but to date the developer from

Silver Pines still hasn't paid him for his review completed ten years ago. He suggested to increase our engineering fee that would be paid to the engineer and ask to set up a developers revenue account and they would cancel each other out. And we would bill the contractor the (developer) for his review time, and we would receive the check and then the contract that the town has with Mr. Geremia would be paid with that amount so it would cancel each other out and increase it to \$10,000.00 and the other side would be instituting a revenue account. He reviewed the capital budget with Mr. Alvarez and what was budgeted for last year was for \$160,000 which a large amount of that went for the SCADA project. This year the capital expenditures are \$197,000.00. Mr. Alvarez reviewed the water that he had received last week from the Woonsocket Wastewater Regional Commission regarding North Smithfield's interceptor line that runs from Alice Avenue metering station to the dumping point at the Woonsocket Wastewater Treatment facility and they told him that the lines belongs to the Town of North Smithfield and the town owns it and has to maintain the line. The first item under the capital expenditures is being maintenance sewer system for \$32k is part of the O & M manual relating to that line and it has to be cleaned. Also, the last item is the sewer inspection camera if a rough estimate of \$50k and Mr. Alvarez doesn't know how expensive it will be. That is all relating to that line and cleaning and inspecting everything. There is one house in Woonsocket that is tied into that line after the metering station and we're not being charged for. The old metering station removal near Lapre Road for a cost of \$10k and Mr. Alvarez

would like to have it removed. He has asked for this the past four to five budgets is requesting a utility truck in place of a pick-up truck to pull the by-pass pump and used for all of their equipment and is very much needed at this point. The pick up truck doesn't do the job that they need to do. From the SCADA change order the generator for the water and sewer garage and will be added into that and he was quoted \$30k but he thinks he can get a much better price. Another topic discussed was adding another laborer into the budget as a third sewer and water laborer. Due to Mr. Alvarez and has confinement issues and he should not be going down into pipes and lines alone and for safety concerns they do need a third person. Mr. Alvarez suggested a \$30k plus with benefits and he doesn't see a reason not to include it into this year's budget. There will be a revised budget next month.

Mr. Nordstrom asked about the sewer system maintenance program and feels that it should be a operating expense.

Mr. Kane referred to the front page and stated that Mr. Alvarez said how account #800 Rate Review and Study was for the O & M manual and they are going to change the name of that and put that under there. Mr. Alvarez indicated that it was a misprint in the finance department. He indicated that for some reason that was included in capital and should not have. The \$32k amount will be replaced with the generator. The \$32k will go under the rate review and study and will become the O & M manual and associates operating costs.

Mr. Nordstrom indicated that in the context of the O & M plan, one of the things that are supposed to be done is to maintain and to go in periodically clean and inspect the system. There are companies out there now that flush the line and they will televise it and they will provide a record and a cd to the customer of what the pipe looks like so historically a determination can be made and how often it needs to be done next time.

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Mr. Connolly indicated that the town isn't really going to have a choice and under new regulations, that O & M plan is going to be enforceable and it will be submitted to DEM and the town will have to submit to them an annual report of the towns progress and maintenance cleaning and if not complied then DEM will submit a bill to the town.

Mr. Nordstrom suggested he will get some information and RFP's and he'll see what he can do.

Mr. Kane discussed requirements and must have a trained person and since it involves water, they would also have to be licensed and stated that it is definitely a safety issue and would have to have two people are not present, allowing one individual into the hole and

another individual outside of the hole while work is being done. He will calculate an appropriate starting figure for this new position and taking into account all of the various requirements and get someone who has training, and who has a license.

Mr. Connolly also stated that Mr. Alvarez can train the individual in-house.

SEWER DEPARTMENT POLICY REVIEW

Mr. Kane provided the commission with a “Fiscal Awareness Policy” and that included two organizational charts. He indicated that it will be much longer in the end. The “Fiscal Awareness Policy” reads as follows:

“Starting July 1st, 2010 and for all future fiscal years, the adopted budget will be monitored and revised as such that each month the Sewer Commission will receive a “Budget vs. Actual” spreadsheet from the Sewer Department, noting all monies spent and under what line item in the budget they were paid.

Furthermore, any one item purchased by any member of the Department worth in value more than five hundred dollars (\$500.00) must come before the Sewer Commission at the next monthly meeting. In emergencies, where supplies must be purchased in excess of this amount, the

Chairperson must be notified within 48 hours of the purchase by telephone, with the exact amount of the purchase, its use, and the purchase order number.

Any project exceeding total purchases of two thousand five hundred dollars (\$2,500.00) must come before the Commission for review and approval. In addition, the Commission will receive a monthly report stating actual dollar amounts used to purchase specific items in relation to the project.”

He spoke to Mr. Alvarez and feels that it is fair and allows the commission to provide a more accurate picture informing the council of what the sewer department is undertaking and where they stand with things. The organizational chart provided will be given to Mr. Geremia to add to the O & M manual and the second chart is a vague sketch that was put together for a pump station and which will need more work and he would welcome any input from the commission to help him put this sketch together would be appreciated.

Mr. McGee asked about the bidding process and about getting three bids about the \$2,500.

Mr. Kane’s reply was that it doesn’t affect the bidding process.

Mr. Nordstrom stated that the commission would still need to approve

it and prior to the bid being awarded, they would want to know about it. They are probably just authorizing that amount of money not who they are awarding it to and saying it is ok to spend the money.

Mr. Kane stated that ultimately Mr. Alvarez can choose who does the work. It just gives the commission a clearer picture.

Mr. Nordstrom stated that he will review the O & M manual and review some policies and suggested that he would like to review it with Mr. Connolly.

Mr. Kane is suggesting to also having an “inter-municipal agreement” between the town and the sewer department as an enterprise fund because of certain incidences that have occurred in the past. The agreement should say, if the town can borrow whatever they need with approval of the sewer superintendent, that if something gets broken while the town is using the item etc., then the town should be obligated to pay for whatever breaks and they should fix it and it should be returned in the condition of what it was borrowed in. Mr. Geremia advised him that they should look at a maintenance plan because that is part of the ordinance if they tie in by October 17, 2010, through the sewer project then they would receive ten (10) years of maintenance. The sewer department has to pay for that and they have to budget for that and the sewer department should have some type of procedural plan and how to keep track of that.

Mr. Connolly thinks that it probably should be in the O & M manual.

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Mr. Kane stated that as far as he knows, it isn't in the O & M. It isn't a standardized requirement, its something that the town chose to do. And that is something that they need to look into. Mr. Geremia suggested \$5,000/year to budget over ten (10) years and set aside into a restricted account especially for grinder pump issues.

Mr. Connolly suggested looking at the pump contract and seeing how long they are warranted.

Mr. Kane stated that the original warranty from F.R. Mahoney is two (2) years and the commission opted for a three (3) years extension on top of that which the sewer department has to pay for but it is upfront.

Mr. Connolly stated to have a contract with F.R. Mahoney after the five (5) years.

Mr. Kane stated they would have a contract but it would be paid as needed but they still need to budget in advance.

CORRESPONDENCE AND COMMUNICATIONS

MOTION by Mr. Connolly, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to place the following items on file: A.) Phase III Sewer Improvement Project-Freshwater Wetlands Application-Mr. James Geremia; B.) O & M Manual-Collection System-Mr. James Geremia; C.) RI DEM-Application for Request for Preliminary Determination Phase III; D.) Summary Review From February 2nd Town Council Meeting-Mr. Kane.

OLD BUSINESS

Mr. Kane informed the commission that after speaking with Mr. Geremia and Mrs. Hamilton they have talked about the possibility of sending out a letter at the end of March, beginning of April for the spring to notify those residents that they have six (6) months to tie in which is the halfway point and it is a final letter that says that these are the benefits if they tie in before October 17, 2010 and after which the resident wouldn't receive certain benefits and that they would have to purchase their own grinder pumps etc. Mr. Geremia will assist him in drafting this letter notifying those residents. It will have Mr. Kane's and Mrs. Hamilton's signature on this letter. It will come before the commission before it goes before the town administrator for review, add or modify before it goes out to those residents affected. It will be a mass mailing to all of the new users.

NEW BUSINESS

Mr. Kane requested from Mr. Wilcox a weekly report that he provides to Mr. Alvarez, Mr. Pendergast and the town administrator. The

administrator directed him to cease and desist. He feels that it isn't too much to ask to see what a sewer department employee is doing especially that they (the commission) fought to get that position and fought to see where it is going and Mr. Alvarez was asked to keep a daily log of his activities. He is requesting that the commission ask the administrator to allow both of them to provide that to the commission on a monthly basis. Mr. Wilcox told him that he doesn't have any problem providing that to the commission.

Mr. Nordstrom expressed that he doesn't know how the commission can fulfill their duties if they don't know what is going on. He feels that if the administrator wants to run the sewer department and they don't want to provide the commission with the information, then we don't have a sewer commission or be on the sewer commission. She can be one in the same. Because of the mess they are in because administratively nobody kept anyone informed of what was going on. He commented that there should be a process where the administration, the town council, sewer commission are all in it together and he feels that if the attitude is that the commission doesn't need to know what is going on, that is fine and she (the administrator) can take the entire lock, stock and barrel and the sewer commission can just fold up and close shop. He feels that this the only way that they (the commission) can do their job and if they don't know what is going on, then they can't do their job.

Mr. Kane stated that he is often reminded that these are the people

who have a better operational understanding of the department yet it seems in his opinion that we (the commission) have more answers than they have and it astounds him. He is asking that the commission request the reports of the superintendent and administrator upon request.

Mr. Nordstrom stated that is what they should receive on a monthly basis.

Mr. Kane commented that as they request it, they should be able to access it and it is public record and expressed that hiding information doesn't get anyone anywhere.

Mr. Nordstrom hopes that it can be resolved in a workshop with everyone present.

Mr. Kane feels that the sewer commission has every right to know what goes on in sewer department matters. He stated that the sewer commission is set by the town council to oversee an enterprise fund separate and apart from the town and that stands alone from the town budget and those employees are not town employees. He doesn't see that the sewer commission is the "Overseer" of all of

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that and report to the town council as final authority and then they get told no. He stated that he doesn't see where there is any continuity

there and he understands the commission's frustration.

Mrs. Nasuti asked if it was possibly considered personnel matters?

Mr. Kane's response was no that it is all a report on operations.

Mr. Nordstrom stated that it is all the information required by the documents that they prepare.

Mr. Thurber of 20 Brian Avenue, asked what was the pump costs as part of the construction costs?

Mr. Nordstrom replied that is was \$330k for Phase 1B and \$350k for Phase 1A which is an allowance. He continued to say that was the best estimate of what it was going to cost. He showed Mr. Thurber how the project was bid and the line items that the contractor bid on. Back before the assessment was set, he stated that the sewer commission as a body with the help of Mr. Geremia established what the final construction cost was going to be on each. The \$330k for Phase 1B is the total construction cost that is built. He continued to show Mr. Thurber what was approved and the balancing change order from Phase 1B that established the final construction costs for Phase 1B is \$1,613,051.29.

Mr. Thurber asked of that total for Phase 1B what part of that is grinder pumps?

Mr. Nordstrom stated it is \$330k for 1B. That is built into it. He continued to say that when the town council continued to act on the total project costs, that included design fees, those two numbers for total construction, traffic control, interest and costs associated with that including the bonds and they came up with total project costs of \$4,824, and subtracted out the stimulus money.

Mr. Kane reiterated that the process is that at the end of the one year period, when it is time for the town to actually physically purchase the grinder pumps and provide to the residents door step, there will be another change order to cancel out the rest of the money left over to each of the contracts reserved for the grinder pumps. The \$330k and \$350k is just an allowance number.

Mr. Thurber asked that the \$680k is what is being built into the construction costs for Phases 1A and 1B for grinder pumps.

Mr. Kane and Mr. Nordstrom both replied yes that is correct.

Mr. Thurber asked if it was based on the \$680k number?

Mr. Nordstrom stated that yes it was a portion of what is in their assessment. He stated he wasn't sure of what he was getting at but explained to Mr. Thurber that the ordinance for future sewer assessments states that you take the total project costs and divide it

by the number of users. He explained that this does not include any future growth in here it is for existing people only. The total project costs includes everything all together and there is a total construction costs which is one portion of it and within the total construction costs there is 50 line items in one and 59 in another and one of the line items is grinder pumps and it all rolls in with the total project costs. He continued to say that there are two separate portions of the sewer use ordinance that are saying the same thing. Under future sewer assessments it says that "The future sewer district assessment costs is calculated by establishing the actual total of the project costs, design, construction and administration which is divided by the actual number of affected properties contained in the district". The grinder pumps are part of the total project costs.

Mr. Thurber responded that he understands what he is saying.

Mr. Nordstrom stated that it says it in two different places in the ordinance. If the town administration and town council are not following the sewer use ordinance and it isn't the sewer commission's problem. They are suppose to be following the sewer ordinance and can't change it. So for Marshfield Commons it is already predetermined what their sewer assessment is going to be and should not be deviating from what everyone else in the sewer district had paid. They haven't followed it.

Mr. Thurber asked why isn't School Street/Birch Hill project in there?

Mr. Kane replied that he is yet to track it down but it falls in the Ironstone district and couldn't explain why at this time.

Mr. Thurber asked by what authority would the town council would have had to reduce an assessment?

Mr. Kane stated it would be their own. They are the final authority. They have the power by the sewer use ordinance.

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Mr. Nordstrom replied that after they set an assessment and the town council goes back in and adjusts the ordinance to reflect what the assessment is for that.

Mr. Nordstrom stated that Ironstone was done after that but Mr. Wilcox found a sewer assessment rate for that but doesn't seem to match up what is in the sewer use ordinance. It might have just been a bookkeeping issue and never put it in the sewer use ordinance. There are meeting minutes to reflect that they were given a discount based on Mr. Erickson direction to the sewer commission. Mr. Nordstrom explained it wasn't the job of the sewer commission to make them feel good, it was the sewer commission's job that there was a need and they tried to get a project in at the lowest possible

costs. He explained that the reason they went with grinder pumps was to keep the cost low. If they hadn't gone with grinder pumps for phases 1A and 1B the cost would have been between \$28k-\$30k per household. The sewer commission was presented with a problem in an area of town that needed sewers and with what is the most cost effective way to do it? The commission produced a project and it was set up in the ordinance to take the total project cost and divide it by the number of users and that is what the assessment is. He stated that they did (the commission) did what they were charged to do. And for that people came screaming and yelling at them like they are supposed to rectify problems that existed before and they (commission) are trying to straighten out problems that had been created because of these past "deals".

Mrs. Diane Wojcik from 7 Lincoln Drive commented on her research that is something she found and was addressed to Doug McClure, and to Mrs. Mowry who was the town clerk back in 1997. Because not knowing how the assessments were done for School Street and Birch Hill were reduced and addressed to Mr. McClure. She read as follows: "Dear Mr. McClure, As you requested I am closing the minutes of the December 9, 1996 town council workshop. The other meeting you asked minutes of where the average sewer assessment figures for the School Street/Birch Hill and the first phase of Ironstone were discussed to place in executive session on October 16, 1996." She has asked the town council members to please go into these executive minutes and which they have the authority to do to

see what was discussed and she has had absolutely no response from the town council.

Mr. Nordstrom stated that he doesn't think they can do that because they can't because when they come out of executive session, they vote to close the minutes.

Mr. Kane stated that he doesn't understand what authority they had to do it under executive session.

Mr. Nordstrom stated that there is no future growth in Phases 1A and 1B but they did build future growth in Phase 2 because of the mill complex and that is a reasonable assumption and there was no future growth into Phase 3.

Mrs. Wojcik commented that the original Lincoln Drive road that has been there for 26 years and that she has been living there for that amount of time is crumbling and she feels that if sewers were to come in this area, that she should not be paying for the road that the town should have been replacing five (5) years ago.

Mr. Kane wanted to make a request for reporting purposes.

Mr. Nordstrom will try to draft something requesting that the sewer commission be included to receive monthly reports from the sewer department and he will distribute to everyone at next months meeting

and decide then what they would like to see on a monthly basis.

MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to adjourn at 9:15 PM.

Meeting adjourned at 9:15 PM.

Respectfully submitted,

**Patricia A. Paul
Secretary**

Addendum

February's Sewer Commission Minutes were reapproved in April due to a sewer commission member motioning to approve February's minutes at which time he wasn't present at February's meeting.

The minutes were amended and reapproved at April 21st, 2009 sewer commission meeting.

Respectfully submitted,

Patricia A. Paul

Commission Secretary